Media Obscenity and the Absolutism-Relativism Debate: A Social Responsibility Perspective on Self-Censorship

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DOI: https://dx.doi.org/10.47772/IJRISS.2025.90300110

Received: 18 February 2025; Accepted: 05 March 2025; Published: 03 April 2025

ABSTRACT

This work focuses on the problematic taming of the mass media obscenity in the face of the quandary which the conflicts between absolutist and relativist conceptualizations of it put society in. The dilemma of protecting society from obscenity's evils on the one hand and protecting the freedom of the press on the other hand, and how censorship fares with striking a balance, is discussed. The paper differentiates between the 'letter' and the 'spirit' of the Social Responsibility Theory, identifying the recommendations of the Hutchins Commission as the letter and the autonomous independent nongovernmental source of the mandate of the commission as the spirit, and proposes social responsibility in the spirit and not just the letter of the Hutchins Commission as the approach to self-censorship that should lead us out of the quandary which absolutist versus relativist conceptualizations of mass media obscenity puts society in. Recommendations for bracing up to the obscenity problematic are made to the press including stepping up the education of the journalist to the broadest and most liberal, pushing for a lifting of the remaining constitutional and other legal constraints to the freedom of the press, and taking full responsibility for all the obscenities in the mass media so as to step forward to deal with it squarely by itself.

Key words: Obscenity, Self-censorship, Absolutism versus Relativism, Social Responsibility Theory, Hutchins Commission

INTRODUCTION

Obscenity has long been an ordeal that media and law struggle with. For media, the effects of obscene content on society prove always at last to be debasing rather than uplifting (Rogers, 1967), giving concern to practitioners who would rather have their industry and profession edify society than corrode it (Sandman, Rubin & Sachsman, 1976). For law, it is a handful, difficult to define, difficult to prosecute, and difficult to prove in court (Bernas, 1962). Obscenity often snuggles its way into the hearts of its victims, at first with a subtle appeal as a benign puppy, but in the end turns out a vicious monster with its devastating effects. Censorship is the law's way of taming it; but censorship comes with its own other problems – the risk of its infringement on freedom of the press, its drawback effect on creativity and imagination, and litigation that usually almost always follows it. When absolute definitions are given to the term it straitjackets society and frustrates the legal processes for prosecuting and proving the crime in court. When relative definitions are adopted instead, it renders "obscenity" and "obscene media content" more indeterminable, and renders the crime more intractable for prosecution to lay hold of (Bernas, 1962). So, what is the way out of this quandary? This is the principal question this work sets out to answer.

Obscenity in mass media remains a contentious issue, posing challenges for both media practitioners and legal systems. While media professionals strive to uplift society, obscene content often undermines these efforts, raising concerns about its societal impact. Legal systems, on the other hand, struggle to define and prosecute obscenity, as it often defies clear categorization. The tension between protecting societal morals and upholding press freedom creates a quandary, further complicated by the limitations of censorship, which risks stifling creativity and infringing on constitutional rights.

This study seeks to address the following questions:

ISSN No. 2454-6186 | DOI: 10.47772/IJRISS | Volume IX Issue III March 2025

1. How effective has censorship been in regulating obscenity?
2. Does censorship compromise press freedom?
3. Can self-censorship, guided by the Social Responsibility Theory, offer a viable alternative?

The relevance of this study extends to media practitioners, legal professionals, policymakers, and society at large, particularly in regions like Nigeria and Africa, where press freedom and moral values are often in conflict. By proposing a socially responsible approach to self-censorship, this paper aims to contribute to the discourse on media ethics and regulation.

Theoretical Framework and Literature Review

The title of this study feature four phenoms side by side: the absolutism-relativism conflict, mass media obscenity, the social responsibility theory, and self-censorship. All four are by no means simplistic. Featuring them side by side as we have done in phrasing the title of this work puts our study at risk of being tough to explicate. Nevertheless, a good way to begin the task of explication is to review the key theories, the concepts, the empirical studies, and the loci-classic that come naturally as fundamental to the discourse. We undertake this review next, beginning with the Social Responsibility Theory.

The study is anchored on the Social Responsibility Theory, which emphasizes the media's obligation to serve the public interest. Dike and Ahmed (2018) opine that the social responsibility theory approves of both state and private ownership of the press so that one will be a check on the other. The Hutchins Commission (1947) laid the foundation for this theory, advocating for a press that is both free and accountable. The commission's recommendations, often referred to as the "letter" of the theory, focus on ethical guidelines for media practice. However, the "spirit" of the theory lies in its autonomous, self-regulatory mandate, which calls for media practitioners to take responsibility for their content without external coercion.

The paper also explores the philosophical debate between absolutism and relativism. Absolutism posits that moral standards are universal and unchanging, while relativism argues that morality is context-dependent. These perspectives influence how obscenity is defined and regulated, with absolutist approaches favoring strict censorship and relativist approaches advocating for flexibility.

Case law from the UK, US, and Nigeria illustrates the challenges of defining and prosecuting obscenity. For instance, the Hicklin Rule (1868) established an absolutist test for obscenity, while the Ulysses case (1933) adopted a more relativist approach, considering the work's artistic merit. Nigerian case law, such as Commissioner of Police v. Igene (2012), further highlights the complexities of regulating obscenity in diverse cultural contexts.

The Hutchins Report itself made references to earlier work by others toward entrenching the principles of social responsibility in the professional practice of the press. Sandman, Rubin and Sachsman (1976) note a code of ethics, articulated as seven preceptive principles, called Canons of Journalism, adopted by the American Society of Newspaper Editors in 1923. Of particular interest to this study is that one of the seven "canons" was entitled "Decency" (Sandman et al., 1976). The Hutchins report made reference to this code and to its adoption by newspaper editors as one of the major earlier attempts at institutionalizing social responsibility of the press and self-regulation by the press (The Commission on Freedom of the Press, 1947). The Commission makes another reference to an even earlier attempt than the newspaper editors' – self-regulation by the American motion picture industry. It states that "organized self-regulation in the motion picture industry has achieved the purpose it was established to serve. But that purpose was a limited one…" (The Commission on Freedom of the Press, 1947, p. 71). The Hutchins Report was making a point in recounting those earlier steps and earlier failures. The point the report was making in recounting those earlier steps and earlier failures was that those earlier failures were a failure of self-regulation. Not only here, but all through the length of the Hutchins Report, we see it establishing a strong associative link between self-regulation and social responsibility (The Commission on Freedom of the Press, 1947).

Our purpose of tracing this history of self-regulation is to echo the point of the Hutchins report that while we cannot say that self-regulation and social responsibility are denotative synonyms, we are safe if we say that they

ISSN No. 2454-6186 | DOI: 10.47772/IJRISS | Volume IX Issue III March 2025

are connotatively synonymous. Your social responsibility is not a role that a regulatory authority external to you puts upon you to regulate you; it is a role to regulate yourself that you yourself put on yourself. This is the point about social responsibility that is often missed. That you are self-regulating yourself in respect to your role to society, and in respect of how you deal and relate with society, is exactly what it means to be socially responsible. Social responsibility has been confused with a number of other concepts, all of which time and space will fail us to put on the table. However, we will briefly discuss two of the confusions.

Social responsibility is not to be confused with delegated responsibility. The Advertising Practitioners Act No. 55 of 1988, as amended by Act No. 93 of 1992 and Act No. 116 of 1993 (now Advertising Practitioners Registration Act Cap A7 of 2004), for example, put the responsibility for regulating advertising practice in Nigeria on the Advertising Regulatory Council of Nigeria (ARCON, 2017). Does this mean that those acts put a social responsibility on ARCON? No, they do not. What it does mean is that those acts of 1988, 1992, 1993 and 2004 put a delegated responsibility on ARCON. In other words, the state, in this case the Nigerian state, delegates some of the state's own regulatory powers to a body of practitioners to regulate the practice of their profession on and in behalf of the state. The moral and philosophical basis is different with social responsibility. In social responsibility, one takes up responsibility to society as a free moral agent, fully aware of and conscientiously responding to one's innate capabilities of human agency. In social responsibility, one takes up responsibilities that one gives to oneself, not responsibilities that are given to one by parties external to one. In the practice of one's profession, social responsibility can be taken up singly by an individual practitioner in his/her individual capacity, or whole-scale by say a media house through the instrumentality of its employee handbook, or say by a whole profession through the instrumentality of its professional body's code of ethics. For the avoidance of any misinterpretations, we note here that we think that both social responsibility and delegated responsibility are 'good' and fit for their respective purposes. The point we simply make is that they are two different concepts.

Social responsibility is also often confused with *social expectations*. Nowhere does this confusion manifest more than in Corporate Social Responsibility, perhaps. That society has an expectation of me does not mean that society's expectations of me are my social responsibility to society. It is okay for an oil-bearing Niger Delta community, for example, to have its expectations of an oil exploration corporation that does business from its location, but those expectations of the community are not to be confused with the corporation's corporate social responsibility. An oil company may *align* its corporate social responsibility with its host community's expectations, but the company's aligning social responsibility with the community's social expectations does not make the different concepts the same. Many scholars define social responsibility to mean social expectations, but we differ. A social expectation is society's (including a community's, a government's, or any other public's) notions of what outputs or contributions from you are, in society's consideration, normative. A social responsibility on the other hand, is *your own* consideration of what outputs or contributions to society should be your own self-adopted standard. Social responsibility is about setting your own standards on what roles to society you should take on in good conscience and of your own free volition. The Hutchins Commission is consistent with this conceptualization of social responsibility. More than anything else, the source of the mandate of the Hutchins Commission is definitive of social responsibility (We shall dwell more on the source of the mandate of the Hutchins Commission in a later section under the heading of "Social Responsibility as a Way Out of the Absolutism-Relativism Quandary"). The self-regulation of the American Society of Newspaper Editors who "drew up and adopted a code of ethics" which they called Canons of Journalism (The Commission on Free and Responsible Press, 1947, p. 74) is also consistent with this conceptualization of social responsibility, especially in the fact that being fully aware that the American system under which they operated provided them nearly boundless freedom and therefore a latitude of guarantees that should leave them with nearly no worries for their personal and occupational safeties, they still felt pressed by and responded to the moral burden that their own consciences put on them to be responsible to the society that had provided them such latitude of freedom. Many scholars discuss social responsibility only materially, as just a 'practice' issue. But we think it is a matter more for axiology than for praxeology.

Speaking of axiology, we take up next the subject of a long-standing axiological debate – the moral concepts of absolutism and relativism. Philosophers and other scholars conflict sharply on these two, and the divergence continues. According to Schick and Vaughn, absolutism is "the view that there is only one correct way of

representing the world" (Schick & Vaughn, 2004). Weist (2016) corroborates Schick and Vaughn when he states that "absolutism is the idea that there is one right answer, independent of context or perspective." (p. 4). In contrast, relativism, according to Schick and Vaughn (2004), is, for examples, of the subjective kind when "what makes an action right for someone is that it is approved by that person", and of the cultural kind when "what makes an action right is that it is approved by one's culture". In other words, morality is relative. Weist (2016) echoes this in stating that relativism is the view that nothing can be right or wrong in absolute terms, and that, factors like individual differences and preferences, and considerations like cultural variations and contexts do determine what is morally right or morally wrong.

Weist gives an example to explain absolutism: "For example, the statement all rectangles have four sides. That is considered an absolute statement. It holds true no matter what. We cannot have a three sided rectangle, can we?" (Weist, 2016, p. 4). Unlike a triangle, obscenity does not seem to fit easily into "only one correct way" of defining or conceptualizing it. It has not been easy to arrive at "one right answer" to the question "What is obscenity?" This must be why many scholars rather opt for a relativism 'settlement'. Yet Schick and Vaughn (2004) discuss universal moral laws as a concept of a fixed set of common moral standards that all of us mankind can use to judge our actions. They describe universal laws as self-evident truths, meaning that when we believe in them, we need not support our belief with any further evidence. One of the examples of a universal law Schick and Vaughn give is the principle of justice. The principle of justice seems obviously self-evident. That we should treat equals equally should not call up any controversy. But can we easily say the same for a concept like obscenity? If we say, for example, that we should not allow exposure of 12 year olds to television broadcasts of dating couples pecking, will it call up any controversies? What about allowing them exposure to necking? If we ask about allowing them exposure to foreplay, our answer is sure to be different from our answers to the earlier two questions. As much as it seems without controversy that decency is a universal law and therefore absolute, what constitutes decency or indecency seems controvertible and therefore relative. This is the quandary that the concept of obscenity puts us in. How do we judge or test for obscenity in music, in pictures (both still pictures and motion pictures), in dancing, in drama, or in books? Mass media content producers, philosophers, scholars, and the courts have all not yet been conclusive on how best. Or by looking at 'judging' and 'testing' for obscenity in music, pictures, dancing, drama, and books, are we all looking at the wrong places, perhaps? Results of an empirical study referenced in an obscenity judgment from United States case law offer us some insight on where rather to look.

In Roth V US and Albert V California, two cases heard conjunctively by the United States Supreme Court, Mr. Justice Douglas in his dissenting opinion, referred to results of an empirical study to make a point about who/what is the more consequential agent of sexual stimulation:

> Nearly 30 years ago, a questionnaire sent to college and normal school women graduates asked what things were most stimulating sexually. Of 409 replies, 9 said "music"; 18 said "pictures"; 29 said "dancing"; 40 said "drama"; 95 said "books", and 218 said "man." (Bernas, 1962, pp. 15-16)

An overwhelming 218 out of 409 respondents said "man" stimulated them sexually, more than books, more than drama, more than dancing, more than pictures, more than music, and even more than books, drama, dancing, pictures, and music all put together. Mr. Justice Douglas' point was about who or what is the more consequential/most consequential agent of sexual stimulation. Our point in bringing it up is to ask the question of whether we should not rather be focusing on "man" much more than we do on media content in discussing solutions to obscenity. If "man" is so much more a sexual stimulant than any media content can possibly be, should "man" then not be our more primary, more principal, and more strategic focus in obscenity discourse? If we, for instance, work more on "man" (and by man here we now mean mankind, both men and women, both male and female) toward making man's 'content' more decent, would that by extension or in any way result in more decent media content? If content producers, for example, are made of more decent content as human beings, would the media content they produce not be of more decent content than they currently are? Asking questions like these already tend more to philosophy than to mass communication, but because of the nature of the phenomenon, obscenity seems likely to be solved by ethicists than by pragmatists. The loci classisi of obscenity case law already show this likelihood. We review a few of them next. Studying the loci classisi, we find a pattern:

ISSN No. 2454-6186 | DOI: 10.47772/IJRISS | Volume IX Issue III March 2025

Whichever view or orientation the courts had taken in defining obscenity, whether absolutist or relativist, case law definitions always necessitated further case law clarifications. The case is the same for England, the United States and Nigeria. Obscenity judgments often leave jurists and other scholars in controversial debates about the rightness or wrongness of the judgments.

Overview of Case Laws Attempting to Determine Obscenity

Obscenity poses a unique challenge due to its subjective nature. What one society deems obscene, another may consider acceptable. This subjectivity complicates efforts to regulate obscenity through censorship, as legal definitions often fail to account for cultural and contextual differences. Moreover, censorship risks infringing on press freedom and stifling creative expression. The rise of digital media has exacerbated these challenges. Social media platforms, user-generated content, and algorithmic curation have made it easier for obscene material to proliferate, often beyond the reach of traditional regulatory frameworks. This underscores the need for a more nuanced approach to addressing obscenity, one that prioritizes ethical self-regulation over external control.

The courts in England, the US, and Nigeria had struggled over the years to determine in precise terms, what constitutes obscenity. Our first locus classicus for review is the famous *Queen v. Hicklin* decision of 1868. Sparing this study the length of the full details of the case because of space concerns, we will state only that Benjamin Hicklin was Justice of Wolverhampton, who along with a brother justice had found as obscene a pamphlet entitled "The Confessional Unmasked; showing the depravity of the Romish priesthood, the iniquity of the Confessional, and the questions put to females in confession", a publication which had been sold at no personal profit by a certain Henry Scott. Hicklin and the other judge decided that a part of the pamphlet contained "impure and filthy acts, words and ideas" (Rogers, 1967, p. 443) and had ordered that the 252 copies seized upon Scott's arrest be destroyed. The matter had been appealed and not only was the decision to destroy the pamphlets quashed by the appellate court but the pamphlets were ordered to be "returned to Scott on the ground that his intent had not been to corrupt, but rather to educate or warn" (Rogers, 1967, p. 443). As the matter did not end at appeal, it went all the way up to the Queen's Bench, the UK equivalent of a supreme court. The Queen's Bench reversed the decision of the appellate court and reinstated the decision of Hicklin and the other judge of the lower court. In announcing his opinion, Chief Judge Cockburn of the Queen's Bench stated *inter alia*:

> **...** I think the test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall. (Rogers, 1967, p. 443)

Rogers (1967) explains the significance of this decision:

> The *Hicklin* decision is important for several reasons, the first being that Judge Cockburn's test for obscenity became the law not only in England, but also to a great extent in the United States." The "Hicklin rule" as it came to be known, was thought to be authority for the following propositions: (1) that the material need not be judged as a whole and any obscene passage was enough to condemn the work; (2) that language which would "deprave and corrupt" *anyone,* a child as well as an adult, was obscene, and (3) that no amount of merit or value would redeem an otherwise obscene work. (p. 443)

Rogers recounts that after more than half a century of Judge Cockburn's test becoming the law in the United States, "the American courts began to show a great deal of dissatisfaction with the *Hicklin* rule which first became apparent in the outcome of the cases and later in the language of the decisions themselves." (Rogers, 1967, p. 443). Conversely, Judge John Woosley of the Southern District of New York should perhaps have a

place in history as one of the pioneers of the American movement away from the Hicklin rule. In two separate cases, he had ruled two sex-instructional works as not obscene and later also James Joyce's *Ulysses* as similarly not obscene. Rogers states that in the *Ulysses* decision "Judge Woolsey held that a high content of dirty words and passages dealing with sex do not make a work obscene." (Rogers, 1967, p. 443). In Judge Woosley's own words:

ISSN No. 2454-6186 | DOI: 10.47772/IJRISS | Volume IX Issue III March 2025

> The words that are criticized as dirty are old Saxon words known to almost all men and, I venture, to many women, and are such words as would be naturally and habitually used, I believe, by the types of folks whose life, physical and mental, Joyce is seeking to describe. In respect to the recurrent emergence of the theme of sex in the minds of his characters, it must always be remembered that his locale was Celtic and his season spring. (Rogers, 1967, pp. 443).

Rather than rule Joyce's work as obscene, Judge Woosley actually found it "a sincere and serious attempt to devise a new literary method for the observation and description of mankind" (Rogers, 1967, p. 444). Judge Woosley further stated that before a work could be adjudged to be obscene, "the material must be tested with regard to what effect it would have upon a "person with average sex instincts", someone like the "reasonable man" in the law of torts; that the book must be read in its entirety and only its "net effect" considered…" (Rogers, 1967, p. 444). We can safely say that while the Hicklin rule was more absolutist in its orientation to and definition of obscenity, the Ulysses decision was more inclined to relativism. Rogers states that "After Ulysses, many American courts began to depart from the Hicklin rule…" (Rogers, 1967, p. 444).

The opinion of Mr. Justice Douglas dissenting in Roth V US cited earlier, brings to the fore another important angle to the obscenity discourse. Mr. Justice Brennan who wrote the majority opinion had stated categorically that "…sex and obscenity are not synonymous", that "obscene material is material which deals with sex in a manner appealing to prurient interest", and that the matter before his court was partly about whether it was state law or federal law which should "punish speech and press where offensive to decency and morality" (Cornell Law School's Legal Information Institute). But Justice Douglas had opined that material "appealing to prurient interest" was not enough to establish obscenity, and that just because "speech and press [is] offensive to decency and morality" is not enough to "punish" it as obscenity. Justice Douglas opined:

> To allow the State to step in and punish mere speech or publication that the judge or the jury thinks has an undesirable impact on thoughts, but that is not shown to be a part of unlawful action, is drastically to curtail the First Amendment. (Cornell Law School's Legal Information Institute, 2018)

Justice Douglas makes the point that "when speech alone is involved" without any evidence of the speech being connected with or consequential to any social conduct that could be considered a felony or even at least a misdemeanor, the courts ought not to "punish" such speech. Justice Douglas stated categorically that the courts "should be concerned with antisocial conduct, not with utterances" (Cornell Law School's Legal Information Institute, 2018). Justice Douglas further cautioned that when speech (and by extension, publications, literary works, and other media content) is censored by court decisions without evidence that it is the cause of, or potential cause of, any antisocial conduct, "society's values in literary freedom are sacrificed". (Cornell Law School's Legal Information Institute, 2018).

Turning now to the locus classicus for obscenity in Nigerian law, in *Commissioner of Police, Midwest State* v. *Igene & Anor*, the accused were charged for having in their possession magazines with obscene pictures which tend to corrupt morals, and for exhibiting these magazines containing obscene pictures (Olanrewaju, 2012). The Chief Magistrate before whom they were charged acquitted them. The prosecution appealed to the High Court which held thus:

> … a book or magazine or newspaper is not necessarily obscene merely because it is in bad taste or undesirable. An indecent, shocking or disgusting article may not necessarily deprave and corrupt …
>
> … the test whether obscene articles tend to deprave and corrupt is an objective test. *No matter how obscene a publication is*, it is a good defence to the charge if it can be shown that the publication is for the public good on the ground that it is in the interest of science, literature, art or learning. [italics and emphasis added] (Olanrewaju, 2012, p. 14).

The *COP v. Igene* clause that no matter how obscene a publication, the producer cannot be liable of conviction if the publication is proven to be in the interest of science, literature, art, or learning, is consonant with the

Ulysses opinion that a genuinely sincere description of mankind may be to the benefit of literature, even if the work has "a high content of dirty words and passages dealing with sex" (Rogers, 1967, p. 443).

The UK, US and Nigerian bench have all struggled over the years to find a definition of obscenity that would be universally agreeable to all. Their struggles have not met with much success because obscenity still defies a one-fits-all definition. The American Law Institute defined it in many words:

> A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters... Obscenity shall be judged with reference to ordinary adults ... (Duke Law Journal, 1958, p. 123)

US Supreme Court Justice Potter Stewart defined it in few words: "I know it when I see it" (Lattman, 2007). Neither the lengthy definitions nor the brief ones have achieved consensus.

The Meaning of Self-censorship and the Nature of Obscenity

Self-censorship, defined as the internal restraint on content production based on ethical considerations, offers a promising alternative to external censorship. Unlike censorship, which is imposed by external authorities, self-censorship arises from the media practitioner's sense of responsibility to society. This approach aligns with the Social Responsibility Theory, which calls for media practitioners to prioritize the public good over individual or corporate interests.

The Hutchins Commission exemplifies the principles of self-censorship and social responsibility. Initiated by media mogul Henry Luce and funded independently of government influence, the commission demonstrated the media's capacity for self-regulation. Its recommendations, grounded in ethical principles rather than legal mandates, provide a model for addressing obscenity without compromising press freedom.

José Santaemilia (2008) in painting a picture of censorship states that "while censorship is an external constraint on what we can publish or (re)write, self-censorship is an individual ethical struggle between self and context" (p.1). Santaemilia puts forth at least three elements in his differentiation between censorship and self-censorship:

1) whilst censorship is an "external constraint", self-censorship is an internal restraint;

2) whilst censorship is a legal matter, self-censorship is an "ethical struggle";

3) whilst censorship is an interaction between self and statute, self-censorship is interaction "between self and context". We can modify Santaemilia's definition of self-censorship to now read thus: Self-censorship is an internal restraint on what we can publish, the result of an ethical struggle between self and context. An important point of differentiation between censorship and self-censorship which Santaemilia brings to the fore is that self-censorship is an ethical struggle which occurs internally within the conscience of a content producer. In other words, even if there were no external constraints from public regulation, law or statutes, for the self-censoring producer, his conscience and ethics would engage him in an internal struggle that would result in an outcome of his final product being blue-penciled for moral wholesomeness fit for public consumption. Cook and Heilmann (2010) advance identical ideas. What Santaemilia calls "self-censorship", Cook and Heilmann call "private self-censorship". They posit:

We propose and defend a distinction between two types of self-censorship: public and private. In public self-censorship, individuals restrain their expressive attitudes in response to public censors. In private self-censorship, individuals do so *in the absence of* public censorship. [italics added] (Cook and Heilmann, 2010, p. 1)

Cook and Heilmann make a point of self-censorship restraining self even "in the absence of public censorship". Their point is identical with Santaemilia's conceptualization of it as an "ethical struggle" occurring internally even where there might not be any "external constraints" from what Cook and Heilmann call "public censors". Restraining self regardless of whether or not there are public sensors, and doing so yielding to internal scruples

and individual conscience, this is what self-censorship means.

The nature of obscenity seems to throw up self-censorship above censorship as a natural first choice for taming obscenity. First, for a phenomenon which defies definition in absolute terms, and yet is hard to hold by definitions in relative terms, self-censorship seems a more pragmatic choice and option for grappling it, because unlike censorship it will not linger to first define it before going about taming it. Secondly, obscenity seems to be one of those things which are less tameable by law and public regulation, but more by personal ethics and individual conscience. Merrill (2000) states: "One thing we should remember is that ethics is not law. It is self-regulation. It is, in essence, self-censorship or self-control." Attempting to master obscenity only by law has proven to be a headache, thorny and problematic, as our experience has been. We seem to have left it to the courts; but this is not a matter for just the courts. This is a matter for *philosophy*. It is more an ethical issue than a legal matter; and media practitioners ought to be ethicists (The Commission on Freedom of the Press, 1947).

Social Responsibility as a Way Out of the Absolutism-Relativism Quandary

We have established in the foregoing how absolutist and relativist conceptualizations of obscenity put us in a quandary in taming it. The quandary is tightened even further by the risk of censorship infringing on the freedom of the press and stifling creativity and imagination of media content producers. This paper's proposition for a way out of this is social responsibility. Social responsibility will tame obscenity whilst leaving creativity and imagination un-stifled. In other words, with social responsibility we can guarantee the protection of society and morality on the one hand, whilst still protecting the freedom, creativity and imagination of the press on the other hand.

The Hutchins Commission exemplifies the true concept of social responsibility. As we will find from the Hutchins' example, self-censorship, self-regulation and ethics are all components and applications of social responsibility. Siebert, Peterson and Schramm (1956) propound as theory, and rightly so, the outcomes of the Hutchins Commission because of the normative recommendations proffered in the commission's report. But the source of the mandate of the commission is just as weighty as the recommendations, if not weightier. What was the source of the mandate of the commission? It was set up on a basis that excluded censorship by government or censorship by law or public regulation as a consideration for curbing the excesses of the press. In other words, that censorship by government or by public regulation could be considered as one of the solutions was foreclosed ab initio. The commission was founded on the principles that the press would take full responsibility for its own 'irresponsibilities' and correct itself by itself, and would not wait for or call in government to come correct it of its own 'irresponsibilities'. The press took full responsibility for and chose to be autonomously accountable to the freedom which the First Amendment dropped in its lap. We see this in the very commissioning of the commission. The commission was initiated by a private citizen, a media mogul, Henry Luce, who at the time was publisher of Time magazine and owner of Encyclopaedia Britannica. He suggested the idea of a commission to query into the normative role and function of the media in a democratic society, and asked Robert Hutchins, who was then chancellor of The University of Chicago, to not only chair such commission but also select and recruit members for it (The Commission on Freedom of the Press, 1947). Financing for the commission was by grants from Time, Inc., and Encyclopaedia Britannica, Inc. The monies were disbursed through the University of Chicago (The Commission on Freedom of the Press, 1947). Like ordinary citizens of America, the government of the day stood by and watched the commission being set up, being commissioned, being funded, carrying out its inquiry, and releasing its report. There was no government nomination or representation on the commission; none. The Hutchins Commission typifies social responsibility. More than its recommendations, the autonomy of the source of its mandate, its courage and sense of duty to take full responsibility for correcting the 'irresponsibilities' of an entire profession and sector without any recourse to government or any public regulation, and its stepping the press forward to be accountable for the freedom that the First Amendment had lavished upon it, those to me are the graver tenets of the social responsibility theory of the press; and those to me are our way out of the absolutism-relativism quandary about obscenity.

A socially responsible press would have its eye more on the effects that its products would have on society than on what it can allowably produce. That is the "ethical struggle between self and context" that Santaemilia (2008) talked about. Rather than an absolutist censure of or a relativist justification for what can be produced, a socially

responsible content producer would rather look to the possible effects that his creativity would have on society to make his judgment. In other words, the question would then not be whether or not this is "OK" to produce, or whether this is "not allowable" by law or convention. The question for the socially responsible would rather be, "Is this safe for society to consume?", because for the socially responsible, even where law or convention allows, if his internal "ethical struggles" adjudge a product of his creativity and imagination as "unsafe" for society's consumption, he would not go ahead to produce it. He will not go ahead to produce it because he would rather take full responsibility and be fully accountable for the effects that his productions would have on society. He would not put out a caveat emptor and say "Let the buyer beware!" He would rather himself take full responsibility for the effects of his productions than leave his audience to their own devices for protecting themselves against any likely dangers in his work. This is what social responsibility means; and this is our way out of the absolutism-relativism quandary.

CONCLUSION

The regulation of obscenity in mass media remains a complex and multifaceted challenge. While censorship has proven ineffective and problematic, self-censorship grounded in the Social Responsibility Theory offers a viable alternative. By embracing the "spirit" of the Hutchins Commission, media practitioners can address obscenity in a way that balances societal protection with press freedom. This approach not only upholds ethical standards but also fosters a media environment that serves the public good.

The lure of obscenity – its appeal, enticement, and allure, not just to media audiences but also to media content producers – and its evasion of both absolutist and relativist definitions pose a problematic, a quandary, which we posit self-censorship better than censorship by public regulation can circumvent. The approach to self-censorship which we propose here though is internalization and adoption of the 'spirit' and not just the 'letter' of the Social Responsibility Theory by media content producers. The 'spirit' of the Social Responsibility Theory is embodied in the graver tenets and weightier principles of the Hutchins Commission, in the autonomy of the source of its mandate, in its courage and sense of duty in taking full responsibility for correcting the 'irresponsibilities' of the press without any recourse to government or any public regulation, and in its standing the press up to an accountability for the freedom that the First Amendment had put in its lap.

RECOMMENDATIONS

In light of these graver and more substructural tenets and principles of the Social Responsibility Theory, we recommend three measures to the press for bracing up to the obscenity problematic:

Broaden Journalist Education:

Media practitioners should receive a broad and liberal education that emphasizes ethical reasoning and social responsibility. This will equip them to navigate the complexities of obscenity and make informed decisions about content production.

Advocate for Press Freedom:

The media should push for the removal of remaining restrictions on press freedom, as a free press is better positioned to practice ethical self-censorship.

Foster Media Accountability

Media organizations must take full responsibility for the content they produce, prioritizing societal well-being over commercial interests. This includes developing internal guidelines for addressing obscenity and promoting ethical standards within the industry.

REFERENCES

1. Advertising Practitioners Council of Nigeria. (2017). APCON. Retrieved from http://www.apcon.gov.ng/

on 08/12/18.
2. Bernas, J. G. (1962). Problems and principles toward a legal definition of the obscene. Ateneo Law Journal, 12(1).
3. Cook, P. & Heilmann, C. (2010). Censorship and two types of self-censorship. LSE Choice Group working paper, Series Vol. 6, No. 2. The Centre for Philosophy of Natural and Social Science (CPNSS), London School of Economics, London, UK.
4. Cornell Law School's Legal Information Institute. (2018). Retrieved from http://www.dailykos.com/story/2009/9/18/783876/-
5. Dike, H. W. & Ahmed, U. S. (2018) The Whistle Blowing Bill and its Implication for Transparency in Governance: Opinions from Journalists in Port Harcourt Metropolis. Review of Media and Mass Communication studies Vol 1(1) 164 - 178
6. Donald, G. (2010). Ethical relativism vs absolutism: Research implications. European Business Review, 22(4), pp. 446-464.
7. Duke Law Journal. (1958). Obscenity and the First Amendment: The search for an adequate test. Duke Law Journal, 7(2), pp. 116-126.
8. Hutchins Commission. (1947). A Free and Responsible Press. Chicago. University of Chicago Press
9. Lattman, P. (September 27, 2007). The Origins of Justice Stewart's 'I Know It When I See It'. Wall Street Journal. Law Blog at The Wall Street Journal Online. Retrieved December 31, 2014.
10. Merrill, J. (2000). Media ethics in Asia: Between relativity and absolutism. Presented atAMIC Conference on Media Ethics in Asia, Kuala Lumpur, Malaysia, September 10-13, 2000.
11. Olanrewaju, A. (2012). The law and the media in Nigeria. Legon, Ghana: Media Foundation for West Africa
12. Rogers, C. H. (1967). Police control of obscene literature. Journal of Criminal Law and Criminology, 57(4), pp. 430-482.
13. Sandman, P. M., Rubin, D. M., & Sachsman, D. B. (1976). Media: An Introductory Analysis of American Mass Communications. MI: University of Michigan.
14. Santaemilia, J. (2008). The translation of sex-related language: The danger(s) of self-censorship(s). TTR: traduction, terminologie, rédaction, 21(2), 221–252. https://doi.org/10.7202/037497ar
15. Schick, T. & Vaughn, L. (2004). Doing philosophy: An introduction through thought experiments (3rd ed.). New York: McGraw-Hill.
16. Siebert, F., Peterson, T., & Schramm, W. (1956). Four Theories of the Press. Illinois: University of Illinois Press.
17. The Commission on Freedom of the Press. (1947). A free and responsible press. Illinois: University of Chicago Press.
18. Weist, D. (2016). Classification: Absolutism vs relativism (Master of Science thesis). Flint, MI: University of Michigan.